

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4463 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?
1-5 No

NARESH AGARSINGH CHHARA (RATHOD)

Versus

COMMISSIONER OF POLICE

Appearance:

MR JS RATHOD for Petitioner

MR. H.L. JANI, AGP, for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 31/08/98

ORAL JUDGEMENT

By way of this Special Civil Application the petitioner has challenged the order of detention dated 9.2.1998 passed by the Police Commissioner, Ahmedabad City, in exercise of power under Section 3(2) of the Gujarat Prevention of Anti-Social Activities Act, 1985 (hereinafter referred to as 'the PASA Act'). Cases have been registered against the petitioner for committing offences of theft of tyre of auto-rickshaw and making

loot with the help of associates. Cases have also been registered against the petitioner with respect to theft of motor bike in the City of Ahmedabad. There are cases against him of highway robbery, snatching of gold ornaments as well as taking away of cash. These material clearly indicate that the petitioner is habitually committing offences punishable under Chapter XVI and XVII of IPC. His activities are prejudicially affected the maintenance of public order. The learned counsel submits that his case is covered by the decision of the apex court in the case of MUSTAK MIYA SHAIKH VS. M.M. MEHTA reported in 1995(2) GLR 1268. I have read the said judgement. The judgement is of no help to the petitioner as in that case, on facts, the court found that it was not a case of disturbance of maintenance of public order but maintenance of law and order. Considering the material on record, in my view, the order of detention does not call for interference by this court in exercise of its extraordinary power under Article 226 of the Constitution of India.

In view of the aforesaid, there is no merit in this Special Civil Application and the same is rejected accordingly. Rule discharged.

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